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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91198567
Party	Defendant FUJIFILM Corporation
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Submission	Motion to Amend Application
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Date	01/17/2012
Attachments	OXIBARRIER.PDF (3 pages)(72853 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

IN THE MATTER OF APPLICATION SER. NO. 77/690,325

Applicant: FUJIFILM Corporation

Mark: **OXIBARRIER**

Filed: March 13, 2009

Published in

the **Official Gazette**: August 17, 2010

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THE MENTHOLATUM COMPANY	:	
	:	
Opposer,	:	Opposition No. 91198567
	:	
v.	:	
	:	
FUJIFILM CORPORATION	:	
	:	
Applicant.	:	
-----X		

MOTION ON CONSENT TO AMEND APPLICATION

Pursuant to Trademark Rule 2.133(a), 37 C.F.R. § 2.133(a), and TBMP § 514, Applicant, Fujifilm Corporation ("Fujifilm"), and Opposer, The Mentholum Company ("TMC"), through their respective undersigned attorneys, hereby stipulate and agree as follows:

(1) Fujifilm requests that United States Application Serial No. 77/690,325, presently the subject of the above-captioned matter pending before the Trademark Trial and Appeal Board, be amended to delete the present identification of goods/services in International Class 5 and substitute the following:

Dietary and nutritionally fortified food supplements adapted for medical use; dietary and nutritional supplements; dietetic nutritionally fortified beverages adapted for medical use; dietary beverage supplements for human consumption in liquid and dry mix form for the therapeutic purposes; dietetic foods adapted for medical use; vitamin and mineral supplements; Nutritional supplements; Astaxanthin nutritional supplements; nutritional supplements containing concentrated salasia extract; nutritional supplements containing astaxanthin as a main component; nutritional supplements containing concentrated salasia extract as a main component; nutritional supplements containing vitamin E as a main component; nutritional supplements containing lycopene as a main component; nutritional supplements containing vitamin C as a main component; nutritional supplements containing selenium yeast as a main component; nutritional supplements containing zinc yeast as a main component; nutritional supplements containing concentrated salasia extracts as a main component; nutritional supplements containing onion skin extracts as a main component; nutritional

supplements containing chitosan as a main component; nutritional supplements containing apple polyphenol as a main component; nutritional supplements containing tea catechin as a main component; nutritional supplements containing chrome yeast as a main component; pharmaceutical preparations for the treatment of obesity; excluding from all of the foregoing skin care or acne treatment

Fujifilm respectfully submits that republication of the mark is not required as the proposed amendment serves to limit the goods/services covered by the application.

(2) TMC's counsel has consented to the foregoing amendment to the goods/services.

SO STIPULATED AND AGREED, this 17th day of January, 2012.

Respectfully submitted,

BAKER BOTTS L.L.P.

Dated: January 17, 2012

By: 

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PEARNE & GORDON LLP

Dated: January 17, 2012

By: /Una L. Lauricia/

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Attorney for Opposer
The Mentholatum Company

CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below a true and correct copy of the
aforementioned document, "**MOTION TO AMEND APPLICATION**," was served by e-mail
upon the attorney of record for Opposer at the following address:

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Dated: January 17, 2012

By: _____

Jennifer A. Lazo